

Appl. No. 10/646,901

Amdt. Dated November 28, 2005

Reply to Office Action of September 20, 2005

#### REMARKS

This is a full and timely response to the non-final Office action mailed September 20, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-4, 8-24, and 28-44 are now pending in this application, with Claims 1, 21, 41, and 43 being the independent claims. Claims 1, 3, 8, 9, 12, 15-17, 21, 23, 28, 29, 32, and 35-37 have been amended, Claims 5-7 and 25-27 have been canceled, and Claims 41-44 are newly presented herein. No new matter is believed to have been added.

Before proceeding to the claim objections and rejections delineated in the Office action, Applicant would like to thank Examiner Woods for indicating that Claims 5-7, 20, 25-27, and 40 are directed to allowable subject matter.

#### Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-40 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, these claims were rejected because independent Claims 1 and 21, and several dependent claims, include the term "substantially," and the phrase "changing the relative size," which allegedly render the claims indefinite. Applicant respectfully traverses this rejection.

As regards the term "substantially," while not conceding the propriety of the noted rejection, Applicant has amended the appropriate claims to delete the word "substantially" therefrom.

As to the phrase "changing the relative size," Applicants wholly disagree with the proffered rejection. The use of an allegedly relative term does not automatically render a claim indefinite. Indeed, as the M.P.E.P. correctly points out, the "[a]cceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." M.P.E.P. 2173.05(b). In the instant application, the specification clearly conveys to the ordinarily skilled artisan that "changing the relative size" of an image or a selected zoom point means either zooming in or zooming out on the image or selected zoom point such that the size of the image or selected zoom point either increases (zooming in) or decreases (zooming out) relative to its initial size.

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Any ordinarily skilled artisan, upon reading the specification, would readily understand what the phrase "changing the relative size" means in the context of the claims.

In view of the foregoing, reconsideration and withdrawal of the § 112, second paragraph rejection is respectfully solicited.

#### Rejections Under 35 U.S.C. § 103

Though somewhat unclear from the Office action, it appears as though Claims 1-4, 8-19, 21-24, and 28-40 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0149605 (Grossman et al.), and U.S. Patent Nos. 6,178,264 (Kamatani) and 6,396,507 (Kaizuka et al.). These rejections are respectfully traversed, at least in light of the claim amendments provided herein.

Specifically, independent Claims 1 and 21 have been amended herein to include the equivalent features of as-filed dependent Claims 5 and 25, which were indicated as being directed to allowable subject matter. Moreover, newly presented independent Claims 41 and 43 encompass the subject matter of dependent Claims 6 and 26, respectively, which were also indicated as being directed to allowable subject matter.

In view of the foregoing, reconsideration and withdrawal of the § 103 rejections is respectfully solicited.

#### Conclusion

Based on the above, independent Claims 1, 21, 41, and 43 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

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Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER &amp; LORENZ

Dated: 11/28/05By: 

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